

112TH CONGRESS  
1ST SESSION

# S. 389

To establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2011

Mr. KIRK introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Spending Control Act  
5 of 2011”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established an independent commission to be  
8 known as the “Grace Commission II”.

9 **SEC. 3. DUTIES OF COMMISSION.**

10 The duties of the Commission shall be—

1 (1) to conduct reviews in accordance with sec-  
2 tion 7; and

3 (2) to submit reports in accordance with section  
4 8.

5 **SEC. 4. MEMBERSHIP.**

6 (a) NUMBER AND APPOINTMENT.—

7 (1) IN GENERAL.—The Commission shall be  
8 composed of eight members appointed by the Presi-  
9 dent, by and with the advice and consent of the Sen-  
10 ate.

11 (2) NOMINATIONS.—Not later than 180 days  
12 after the date of the enactment of this Act, the  
13 President shall transmit to the Senate nominations  
14 for appointment to the Commission.

15 (3) CONSULTATION.—In selecting individuals  
16 for nominations for appointments to the Commis-  
17 sion, the President shall consult with—

18 (A) the Speaker of the House of Rep-  
19 resentatives concerning the appointment of  
20 three members;

21 (B) the majority leader of the Senate con-  
22 cerning the appointment of three members;

23 (C) the minority leader of the House of  
24 Representatives concerning the appointment of  
25 one member; and

1 (D) the minority leader of the Senate con-  
2 cerning the appointment of one member.

3 (b) TERMS.—Each member shall be appointed for the  
4 life of the Commission.

5 (c) VACANCIES.—A vacancy in the Commission shall  
6 be filled in the manner in which the original appointment  
7 was made.

8 (d) CHAIRMAN.—The Chairman of the Commission  
9 shall be designated by the President at the time of nomi-  
10 nation of members of the Commission.

11 (e) BASIC PAY.—

12 (1) RATES OF PAY.—

13 (A) IN GENERAL.—Except as provided in  
14 paragraph (2), each member, other than the  
15 Chairman, shall be paid at a rate equal to the  
16 daily equivalent of the minimum annual rate of  
17 basic pay for level IV of the Executive Schedule  
18 under section 5315 of title 5, United States  
19 Code, for each day (including travel time) dur-  
20 ing which the member is engaged in the actual  
21 performance of duties vested in the Commis-  
22 sion.

23 (B) CHAIRMAN.—The Chairman shall be  
24 paid for each day referred to in subparagraph  
25 (A) at a rate equal to the daily equivalent of

1 the minimum annual rate of basic pay payable  
2 for level III of the Executive Schedule under  
3 section 5314 of title 5, United States Code.

4 (C) TRAVEL EXPENSES.—Each member  
5 shall receive travel expenses, including per diem  
6 in lieu of subsistence, in accordance with appli-  
7 cable provisions under subchapter I of chapter  
8 57 of title 5, United States Code.

9 (2) PROHIBITION OF COMPENSATION OF FED-  
10 ERAL EMPLOYEES.—Members of the Commission  
11 who are full-time officers or employees of the United  
12 States or Members of Congress may not receive ad-  
13 ditional pay, allowances, or benefits by reason of  
14 their service on the Commission.

15 (f) QUORUM.—Five members of the Commission shall  
16 constitute a quorum but a lesser number may hold hear-  
17 ings.

18 (g) MEETINGS.—The Commission shall meet at the  
19 call of the Chairman.

20 **SEC. 5. DIRECTOR; STAFF; EXPERTS AND CONSULTANTS.**

21 (a) DIRECTOR.—The Commission shall have a Direc-  
22 tor who shall be appointed by the Commission. The Direc-  
23 tor shall be paid at the rate of basic pay for level IV of  
24 the Executive Schedule under section 5315 of title 5,  
25 United States Code.

1 (b) STAFF.—

2 (1) IN GENERAL.—With the approval of the  
3 Commission, the Director may appoint and fix the  
4 pay of personnel as the Director considers appro-  
5 priate.

6 (2) APPLICABILITY OF CERTAIN CIVIL SERVICE  
7 LAWS.—The Director may appoint the personnel of  
8 the Commission without regard to the provisions of  
9 title 5, United States Code, governing appointments  
10 in the competitive service, and any personnel so ap-  
11 pointed may be paid without regard to the provisions  
12 of chapter 51 and subchapter III of chapter 53 of  
13 that title relating to classification and General  
14 Schedule pay rates, except that an individual so ap-  
15 pointed may not receive pay in excess of the annual  
16 rate of basic pay for level V of the Executive Sched-  
17 ule under section 5316 of such title.

18 (3) STAFF OF FEDERAL AGENCIES.—Upon re-  
19 quest of the Director, the head of any Federal de-  
20 partment or agency may detail, on a reimbursable  
21 basis, any of the personnel of that department or  
22 agency to the Commission to assist it in carrying out  
23 its duties under this Act.

1           (c) EXPERTS AND CONSULTANTS.—The Commission  
2 may procure by contract temporary and intermittent serv-  
3 ices under section 3109(b) of title 5, United States Code.

4 **SEC. 6. POWERS OF COMMISSION.**

5           (a) HEARINGS AND SESSIONS.—The Commission  
6 may, for the purpose of carrying out this Act, hold hear-  
7 ings, sit and act at times and places, take testimony, and  
8 receive evidence as the Commission considers appropriate.  
9 The Commission may administer oaths or affirmations to  
10 witnesses appearing before it.

11           (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
12 ber or agent of the Commission may, if authorized by the  
13 Commission, take any action which the Commission is au-  
14 thorized to take by this section.

15           (c) OBTAINING OFFICIAL DATA.—The Commission  
16 may secure directly from any department or agency of the  
17 United States information necessary to enable it to carry  
18 out this Act. Upon request of the Chairman, the head of  
19 that department or agency shall furnish that information  
20 to the Commission.

21           (d) MAILS.—The Commission may use the United  
22 States mails in the same manner and under the same con-  
23 ditions as other departments and agencies of the United  
24 States.

1       (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
2 the request of the Commission, the Administrator of the  
3 General Services Administration shall provide to the Com-  
4 mission, on a reimbursable basis, the administrative sup-  
5 port services necessary for the Commission to carry out  
6 its responsibilities under this Act.

7       (f) CONTRACT AUTHORITY.—The Commission may  
8 contract with and compensate Government and private  
9 agencies or persons for products and services necessary  
10 for the Commission to carry out its responsibilities under  
11 this Act.

12 **SEC. 7. COST CONTROL REVIEWS.**

13       (a) IN GENERAL.—In preparation for submitting re-  
14 ports as required under section 8, the Commission shall  
15 conduct, every two years, a review of cost control in the  
16 Federal Government with respect to improving manage-  
17 ment and reducing costs.

18       (b) AGENCY STUDIES.—In conducting a review under  
19 this section, the Commission shall conduct in-depth stud-  
20 ies of the operations of the Executive agencies as a basis  
21 for evaluating potential improvements in agency oper-  
22 ations.

23       (c) RECOMMENDATIONS.—In conducting a review  
24 under this section, the Commission shall develop rec-  
25 ommendations in the following areas:

1           (1) Opportunities for increased efficiency and  
2 reduced costs in the Federal Government that can  
3 be realized by Executive action or legislation.

4           (2) Areas where managerial accountability can  
5 be enhanced and administrative control can be im-  
6 proved.

7           (3) Opportunities for managerial improvements  
8 over both the short- and long-term.

9           (4) Specific areas where further study can be  
10 justified by potential savings.

11           (5) Ways to reduce governmental expenditures  
12 and indebtedness and improve personnel manage-  
13 ment.

14 **SEC. 8. REPORTS.**

15       (a) INTERIM REPORTS.—Not later than 180 days be-  
16 fore the date on which the Commission is required to sub-  
17 mit a final report under subsection (b), the Commission  
18 shall submit to Congress and the President an interim re-  
19 port containing the preliminary results of the review being  
20 conducted under section 7 related to that final report.

21       (b) FINAL REPORTS.—

22           (1) IN GENERAL.—Not later than 18 months  
23 after the date of the enactment of this Act, and  
24 every two years thereafter until the date on which  
25 the Commission submits its third final report under



1 this paragraph, the Commission shall submit to Con-  
2 gress and the President a final report containing a  
3 detailed statement of the findings and conclusions of  
4 the Commission based on the most recent review  
5 conducted under section 7, together with its rec-  
6 ommendations for legislative and administrative ac-  
7 tions, and other matters the Commission considers  
8 appropriate.

9 (2) PROPOSED LEGISLATION.—The Commission  
10 shall include in a final report submitted under para-  
11 graph (1) proposed legislation in the form of an im-  
12 plementation bill to carry out recommendations de-  
13 veloped under section 7(c).

14 (3) LIMITATION.—The Commission may include  
15 in a report submitted under this section proposed  
16 legislation under paragraph (2) only if such pro-  
17 posed legislation is agreed to by not fewer than five  
18 of the members of the Commission.

19 **SEC. 9. CONGRESSIONAL CONSIDERATION OF PROPOSED**  
20 **LEGISLATION.**

21 (a) INTRODUCTION; REFERRAL; REPORT OR DIS-  
22 CHARGE.—

23 (1) INTRODUCTION.—On the first calendar day  
24 on which both Houses are in session on or imme-  
25 diately following the date on which a final report is

1 submitted to Congress under section 8(b), the imple-  
2 mentation bill included in such report shall be intro-  
3 duced (by request)—

4 (A) in the Senate by the majority leader of  
5 the Senate, for himself and the minority leader  
6 of the Senate, or by Members of the Senate  
7 designated by the majority leader and minority  
8 leader of the Senate; and

9 (B) in the House of Representatives by the  
10 majority leader of the House of Representa-  
11 tives, for himself and the minority leader of the  
12 House of Representatives, or by Members of the  
13 House of Representatives designated by the ma-  
14 jority leader and minority leader of the House  
15 of Representatives.

16 (2) REFERRAL.—An implementation bill intro-  
17 duced under paragraph (1) shall be referred to any  
18 appropriate committee of jurisdiction in the Senate  
19 and any appropriate committee of jurisdiction in the  
20 House of Representatives. A committee to which an  
21 implementation bill is referred under this paragraph  
22 may report such bill to the respective House, but  
23 only without amendment.

24 (3) REPORT OR DISCHARGE.—If a committee to  
25 which an implementation bill is referred has not re-

1 ported such bill by the end of the 15th calendar day  
2 after the date of the introduction of such bill, such  
3 committee shall be immediately discharged from fur-  
4 ther consideration of such bill, and upon being re-  
5 ported or discharged from the committee, such bill  
6 shall be placed on the appropriate calendar.

7 (b) FLOOR CONSIDERATION.—

8 (1) IN GENERAL.—When the committee to  
9 which an implementation bill is referred has re-  
10 ported the bill, or has been discharged from further  
11 consideration of the bill under subsection (a)(3), it  
12 is at any time thereafter in order (even though a  
13 previous motion to the same effect has been dis-  
14 agreed to) for any Member of the respective House  
15 to move to proceed to the consideration of the imple-  
16 mentation bill, and all points of order against the  
17 implementation bill (and against consideration of the  
18 implementation bill) are waived. The motion is high-  
19 ly privileged in the House of Representatives and is  
20 privileged in the Senate and is not debatable. The  
21 motion is not subject to amendment, or to a motion  
22 to postpone, or to a motion to proceed to the consid-  
23 eration of other business. A motion to reconsider the  
24 vote by which the motion is agreed to or disagreed  
25 to shall not be in order. If a motion to proceed to

1 the consideration of the implementation bill is  
2 agreed to, the implementation bill shall remain the  
3 unfinished business of the respective House until  
4 disposed of.

5 (2) AMENDMENTS.—An implementation bill  
6 may not be amended in the Senate or the House of  
7 Representatives.

8 (3) DEBATE.—Debate on the implementation  
9 bill, and on all debatable motions and appeals in  
10 connection therewith, shall be limited to not more  
11 than 10 hours, which shall be divided equally be-  
12 tween those favoring and those opposing the bill. A  
13 motion further to limit debate is in order and not  
14 debatable. An amendment to, or a motion to post-  
15 pone, or a motion to proceed to the consideration of  
16 other business, or a motion to recommit the imple-  
17 mentation bill is not in order. A motion to reconsider  
18 the vote by which the implementation bill is agreed  
19 to or disagreed to is not in order.

20 (4) VOTE ON FINAL PASSAGE.—Immediately  
21 following the conclusion of the debate on an imple-  
22 mentation bill, and a single quorum call at the con-  
23 clusion of the debate if requested in accordance with  
24 the rules of the appropriate House, the vote on final  
25 passage of the implementation bill shall occur.

1           (5) RULINGS OF THE CHAIR ON PROCEDURE.—  
 2 Appeals from the decisions of the Chair relating to  
 3 the application of the rules of the Senate or the  
 4 House of Representatives, as the case may be, to the  
 5 procedure relating to an implementation bill shall be  
 6 decided without debate.

7           (c) COORDINATION WITH ACTION BY OTHER  
 8 HOUSE.—If, before the passage by one House of an imple-  
 9 mentation bill of that House, that House receives from  
 10 the other House an implementation bill, then the following  
 11 procedures shall apply:

12           (1) NONREFERRAL.—The implementation bill  
 13 of the other House shall not be referred to a com-  
 14 mittee.

15           (2) VOTE ON BILL OF OTHER HOUSE.—With  
 16 respect to an implementation bill of the House re-  
 17 ceiving the implementation bill—

18           (A) the procedure in that House shall be  
 19 the same as if no implementation bill had been  
 20 received from the other House; but

21           (B) the vote on final passage shall be on  
 22 the implementation bill of the other House.

23           (d) RULES OF THE SENATE AND THE HOUSE OF  
 24 REPRESENTATIVES.—This section is enacted by Con-  
 25 gress—

1           (1) as an exercise of the rulemaking power of  
2 the Senate and House of Representatives, respec-  
3 tively, and as such it is deemed a part of the rules  
4 of each House, respectively, but applicable only with  
5 respect to the procedure to be followed in that  
6 House in the case of an implementation bill, and it  
7 supersedes other rules only to the extent that it is  
8 inconsistent with such rules; and

9           (2) with full recognition of the constitutional  
10 right of either House to change the rules (so far as  
11 relating to the procedure of that House) at any time,  
12 in the same manner, and to the same extent as in  
13 the case of any other rule of that House.

14 **SEC. 10. TERMINATION.**

15       The Commission shall terminate on the date that is  
16 one day after the date on which it submits its third final  
17 report under section 8(b).

18 **SEC. 11. DEFINITIONS.**

19       In this Act, the following definitions apply:

20           (1) **CALENDAR DAY.**—The term “calendar day”  
21 means a calendar day other than one on which ei-  
22 ther House is not in session because of an adjourn-  
23 ment of more than 3 days to a date certain.

1           (2) COMMISSION.—The term “Commission”  
2 means the Grace Commission II established by sec-  
3 tion 2.

4           (3) IMPLEMENTATION BILL.—The term “imple-  
5 mentation bill” means only a bill that is introduced  
6 as provided under section 9(a), and contains the  
7 proposed legislation described in section 8(b)(2),  
8 without modification.

9           (4) MEMBER.—The term “member” means a  
10 member of the Commission appointed under section  
11 4(a)(1).

○